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OF
THE ELECTIVE FRANCHISE IN WISCONSIN

BY
FLORENCE ELIZABETH BAKER, A. B.

*(From Proceedings of the Forty-First Annual Meeting of the State Historical
Society of Wisconsin)*



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A BRIEF HISTORY OF THE ELECTIVE FRANCHISE IN WISCONSIN.

BY FLORENCE ELIZABETH BAKER, A. B.

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The early history of the elective franchise in Wisconsin is so intimately connected with its history in the other states of the Northwest Territory, that it is scarcely necessary to re-write it here. Her fifty-four thousand square miles of territory, with its sparse population of fur-traders and lead miners, were governed in turn by Indiana (1800), Illinois (1809), and finally by Michigan (1818), when Illinois took her place among the states of the union.¹ Still in those early days occasional mention may be found in some pioneer newspaper of the part that what is now Wisconsin played in an election. In June of 1825, we discover a Detroit paper stopping its press "to announce that the schooner Harriet arrived this morning from Green Bay and Mackinac, bringing the intelligence that Mr. Biddle received eighty-two votes at Green Bay and forty-two on the Island of Mackinac. Mr. Wing received at the former place thirty-four and at the latter eighteen — and Mr. Richard two at Mackinac."²

In 1830 the counties of Brown, Crawford, Chippewa, and Iowa, which included part of Wisconsin Territory, but were then in Michigan Territory, were exempted from the operation of the law requiring freehold security to be given for any purpose, or as a qualification for office.³

¹ *U. S. Statutes at Large*, ii., pp. 58, 514; iii., p. 428. See also Thwaites's "Boundaries of Wisconsin," *Wis. Hist. Colls.*, xi.

² *Detroit Gazette* [June 14], 1825.

³ *Michigan Territorial Laws*, iii., p. 831.

With the organization of the Territory, however, the separate existence of Wisconsin began. The agitation looking towards this result had been begun in congress by James Duane Doty as early as 1824, but not until April 20, 1836, did the bill pass.¹ It went into effect the 4th of July following. By the terms of the bill, the executive power was vested in a governor, who was subject to removal by the president. He had the usual powers of a Territorial governor, and was also superintendent of Indian affairs. There was also a Territorial secretary. The legislative assembly, which was to consist of a council and house of representatives, was elected by the qualified voters. At the first election, every free white male citizen of the United States, above the age of twenty-one years, who was an inhabitant of the Territory, was entitled to vote, and was eligible to any office in the Territory. The qualifications at subsequent elections were to be decided by the legislative assembly, provided, that the right of suffrage should be exercised only by citizens of the United States. All township and county officers, except judicial officers, justices of the peace, sheriffs, and clerks of court, were elected by the people. The chief justice and his associates, the attorney-general, and marshal, were appointed by the president; and all other civil offices not otherwise provided for were filled by the governor.²

The first election was held on the second Monday of October, 1836, and although the time intervening between the governor's proclamation and the election was barely a month, the first campaign excited considerable interest. The legislature elected at that time met at Belmont, in the present county of La Fayette, later in the month. It is not until 1838 that we find recorded "An act providing for, and regulating, general elections in this Territory." The twelfth section thereof prescribes the qualifications of an elector: He must be twenty-one years old; a free, white, male citizen, or a foreigner duly naturalized; and must

¹ *U. S. Statutes at Large*, v., pp. 10 16.

² *Ibid.*, pp. 11-13.

have had a six months' residence in the Territory. The manner of voting was prescribed by section ten: The elector must hand a folded ballot to the judges, "who shall deposit the same immediately into a general ballot-box, prepared for that purpose, and the clerk shall take down the name of all such voters;" the polls were to be opened at nine and closed at six, but the closing of the polls might be postponed until nine, if the judges of election deemed such course necessary to receive all the votes.¹

During the first few years of Territorial history party organization does not appear to have played an important part in the elections. In 1838, however, we find James Duane Doty, who was nominated by the citizens of Brown county as an independent candidate for Territorial delegate, writing thus to his fellow-citizens: "I hope, therefore, my friends will permit me to decline the acceptance of their nomination as the nomination of a single county, and to express my desire, if it accords with their wishes, that they should submit my name to a general convention, and to tender them my thanks for the honor they have done me."²

In accordance with this suggestion, a convention of delegates from several, but not all, of the counties, met at Madison on the 29th of August, and regularly nominated Doty, his opponent being George W. Jones, who had been placed in the field by public meetings held at Milwaukee and Mineral Point the 11th of July. Thus Wisconsin had seen the starting of its party machinery.

The next year *national* politics entered into the local elections. The first demonstration was a democratic primary held at Mineral Point, which called on the democrats of the several counties to organize, and "to correspond frequently with each other to promote general harmony and concert."³ On the 18th of June a "Territo-

¹ *Laws of Wisconsin, 1836-1833*, p. 404.

² Strong, *History of Wisconsin Territory*, p. 270.

³ *Ibid.*, p. 291.

rial Convention " — the result of a people's movement in Brown and Dane counties — met at Madison; and the next day, at the same place, the " Democratic Territorial Convention," the outcome of the Mineral Point meeting. The first nominated Judge Doty for delegate, and the second Byron Kilbourn. Each of these conventions expressed its opinions of the other in a series of resolutions, which at the present date appear more ridiculous than dignified or forceful.¹

Hardly was the Territory organized when an agitation for state government was begun. In his messages to the legislatures of 1838-39, and 1839-40, Governor Dodge recommended that the question be submitted to the people.² The three succeeding years it was defeated by overwhelming majorities, and the next two years the bills for submission were defeated in the legislature. In connection with the election of 1844, negro suffrage was for the first time brought to public attention. The petition of six colored men was presented in the council, praying that the right of suffrage be extended to all persons holding real estate in the Territory, or taxable property to the value of one hundred dollars.³ It was referred to a select committee, who reported an amendment to the bill regulating elections, which amendment failed of adoption. In the house a similar petition was presented, and referred to a committee, which reported that " it is not expedient to legislate on the subject." ⁴

During the year 1845 the fact that the people wanted a state government became apparent, and early in 1846 the preliminary measures were passed by congress and the Territorial legislature. On the 5th of January, 1846, the legislature convened at Madison. Governor Dodge submitted his message,⁵ and as much of it as related to state

¹ *Ibid.*, p. 293.

² *House Jour., Wis. Terr. Legis.*, 1838, p. 6; 1839, p. 9.

³ *Council Jour., Wis. Terr. Legis.*, 1844-1845, p. 230.

⁴ *House Jour., Wis. Terr. Legis.*, 1843-44, pp. 167, 326.

⁵ *Id.*, 1846, p. 12.

government was referred to a committee,¹ which submitted an able report in favor of early state formation, accompanied by a bill for the purpose.² This bill, amended in some of its details, became a law. Under its provisions, "every white male inhabitant above the age of twenty-one years, who shall have resided in the Territory six months next previous thereto, and who shall either be a citizen of the United States, or shall have filed his declaration of intention to become such according to the laws of the United States on the subject of naturalization,"³ was authorized to vote for or against the formation of a state government on the first Monday of April, 1846. If the majority were for state government, the governor was to make an apportionment of delegates among the several counties for a convention to form a state constitution.⁴ The delegates having been duly elected were to meet at the capital on the first Monday of October, with full power to form a constitution, which should be submitted to the people for ratification, in such manner and at such time as the convention should prescribe.⁵

The vote of the people was about six to one in favor of state government,⁶ and accordingly the constitutional convention of 1846 assembled. Among its members were many who later obtained prominence in local affairs, and some who are not unknown throughout the United States.⁷ After the usual organization and preliminary business there were appointed twenty-two committees. The report of the committee on suffrage and the elective franchise was the second to engage the attention of the delegates.⁸ Unfortunately the debates on the suffrage were in the committee

¹ *Ibid.*, pp. 29, 32.

² *Council Jour., Wis. Terr. Legis.*, 1846, pp. 44, 333.

³ *Laws of Wisconsin*, 1846, pp. 5-12, sec. 1.

⁴ *Ibid.*, sec. 11.

⁵ *Ibid.*, sec. 16.

⁶ *Council Jour., Wis. Terr. Legis.*, Oct., 1847, p. 60.

⁷ See Tenney and Atwood, *Fathers of Wisconsin*, containing biographical sketches of members of the two constitutional conventions.

⁸ *Jour. Const. Conv.*, 1846, pp. 18, 19, 29.

of the whole, and no official reports of them are to be had. We may, however, rely on these statements of Moses M. Strong, one of the members of the convention, and author of the *History of Wisconsin Territory*.

"In view of the opposition and excited feeling which had been exhibited to the acts of the legislative assembly conferring upon unnaturalized foreigners the right of voting for or against state government, and for delegates to the convention, it would seem reasonable to have expected some exhibitions of that feeling in the convention.

"The article [on suffrage and the elective franchise], in that respect, only required the declaration of intention as a qualification for the right of suffrage. And, although there might have been, in committee of the whole, some attempt to restrict the right to citizens, yet if there was, it was so feebly sustained that it was never renewed in the convention, where the ayes and noes could be had.

"The principal controversy in the discussion of this article was upon the subject of negro suffrage.

"This arose, in the first instance, upon the proposition of Mr. [Charles M.] Baker [of Walworth county], for a separate submission of an article giving the right of suffrage to colored male citizens. The proposition was discussed at great length, and defeated by a vote of 47 to 51.

"The article was then adopted substantially as reported by the committee, except that voting by ballot was substituted for a *viva voce* vote, as recommended by the committee."¹

A resolution was afterwards introduced, providing for the separate submission of a distinct article in accordance with Mr. Baker's proposition, and this was adopted.²

The work of the convention was finished December 16, 1846, and the proposed constitution was submitted to the people on the first Tuesday of April, 1847. It was rejected by a majority of more than six thousand in a total of thirty-

¹ Strong, p. 521.

² *Jour. Const. Conv.*, 1846, p. 355.

four thousand votes.¹ The principal objections to this constitution are usually given under five heads.

1. The article in relation to the right of married women, which read as follows: "All property, real or personal, of the wife, owned by her at the time of her marriage, by gift, devise, descent, or otherwise than from her husband, shall be her separate property." So familiar are we now with such provisions, that we can scarcely imagine that fifty years ago this one aroused most violent opposition.

2. The article on exemptions, which excepted forty acres of land, or the homestead not exceeding in value \$1,000, when there was an execution or forced sale.

3. The prohibition of banks of issue.

4. The number of representatives in the legislature was considered as by far too large.

5. The judiciary was made elective.²

To these, the editors of the *Fathers of Wisconsin*, who were newspaper reporters in the convention, added three:³

1. The northwest boundary line was drawn in such a manner that all the lower valley of Lake Pepin and St. Croix river would have been given to Minnesota.

2. The salaries of the state officers were made unalterable by the legislature.

3. The "fatal objection" of the omission of a special article on corporations.

Strong says that the democrats opposed the article on the rights of married women, and exemption, and the whig leaders the restrictions on banking.⁴ "The contest was the most able, the most energetic, and the most exciting that ever occupied the attention of the people, and in many respects its like has not been seen in any subsequent controversy in the state, and the feelings of personal antagonism between members of the dominant democratic party,

¹ Madison *Daily Argus*, May 18, 1847.

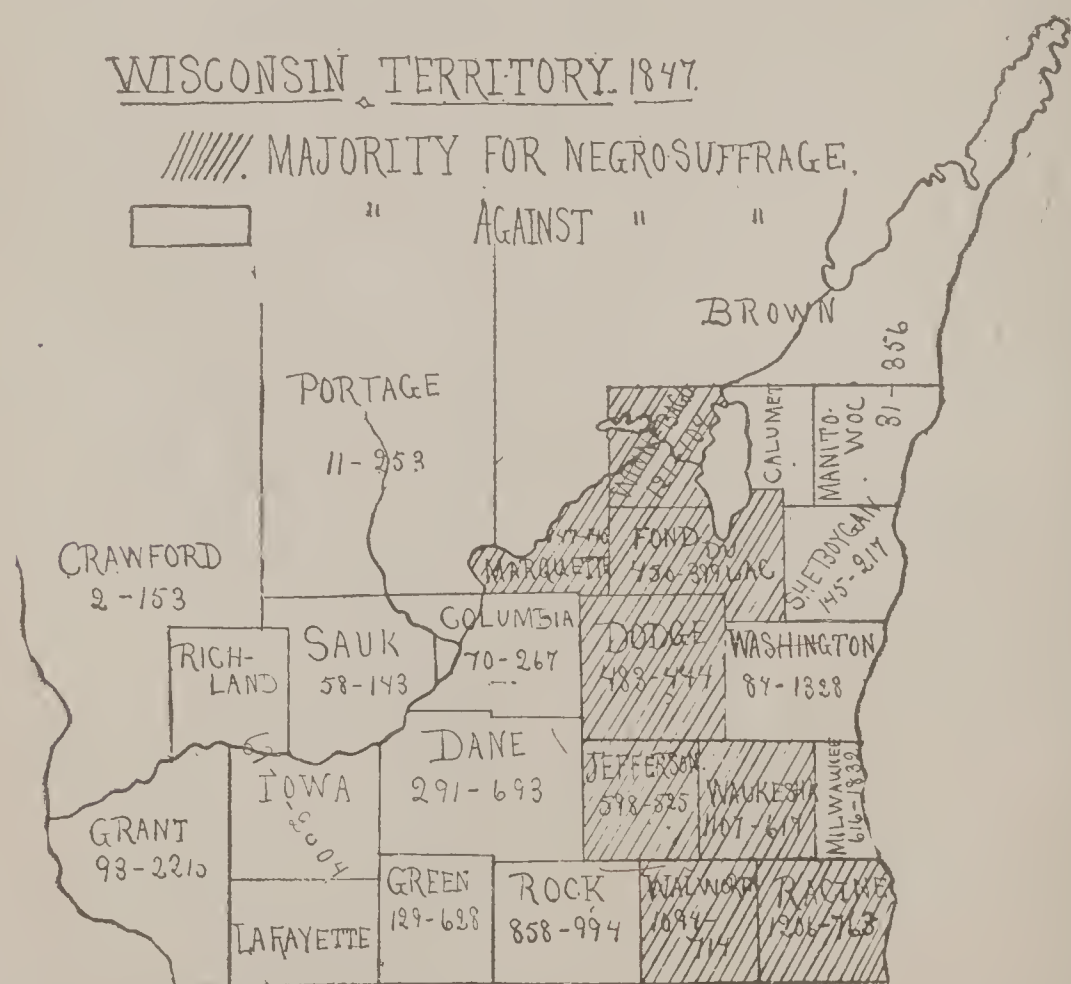
² *Fathers of Wisconsin*, p. 387.

³ *Ibid.*, pp. 386-388, note.

⁴ Strong, p. 552.

who were arrayed against each other, were such that their effects were not easily nor for a long time eradicated."¹

It will be remembered that the proposition concerning negro suffrage was to be separately submitted to the people. The resolution covering this matter provided that if the majority of the people of Wisconsin Territory were in favor of equal suffrage to colored persons, the following section would be inserted in the constitution: "All male citizens of African blood possessing the qualifications required by the first section of the article on 'suffrage and the elective franchise' shall have a right to vote for all officers and be eligible to all offices that now are or hereafter may be elective by the people after the adoption of this constitution."² The measure was defeated (ayes 7,664, nays 14,615),³ and the result strikingly exhibits the influence which Wisconsin's varied population has had on her legislation.



The accompanying sketch-map tells the story. The southwestern counties possessed a large southern element. In

¹ *Ibid.*, p. 556.

² *Jour. Const. Conv.*, 1847-48, p. 563.

³ The following returns of the vote are from the *Madison Daily Argus*

these counties slaves had actually been held on this boasted free soil of the Northwest Territory,¹ and here we find the largest majorities against the proposition for negro suffrage. On the shore of Lake Michigan we again find opposition to the admission of blacks to citizenship.

for May 16. I have not been able to find returns from Calumet, Chippewa, and La Pointe counties; they were thinly settled, and possibly no vote was taken there:

Official returns of the vote on the constitution and negro suffrage for the election of April, 1847:

	CONSTITUTION.		NEGRO SUFFRAGE.	
	Yes.	No.	Yes.	No.
Brown and Manitowoc.....	331	165	31	356
Calumet.....				
Columbia.....	66	354	70	267
Crawford.....	49	150	2	153
Chippewa.....				
Dane.....	592	962	291	693
Dodge.....	803	975	483	444
Fond du Lac.....	624	627	450	399
Grant.....	532	1,898	93	2,215
Green.....	341	607	129	628
Iowa				
La Fayette }.....	1,414	1,417	69	2,504
Richland }				
Jefferson.....	780	1,233	598	525
La Pointe.....				
Marquette.....	184	189	147	140
Milwaukee.....	1,670	1,996	616	1,832
Portage.....	164	209	11	253
Racine.....	1,363	2,474	1,206	763
Rock.....	987	1,977	858	994
Sauk.....	111	157	58	143
Sheboygan.....	160	374	145	217
St. Croix.....	65	61	1	126
Walworth.....	984	2,027	1,094	714
Washington.....	1,478	353	84	1,328
Waukesha.....	1,246	1,825	1,107	617
Winnebago.....	137	2 3	121	104
Total.....	14,119	20,233 14,119	7,664	14,615 7,664
		6,114		6,951

¹ Davidson, "Negro Slavery in Wisconsin," *Proc. Wis. Hist. Soc.*, 1892.

There were the most populous of the German settlements, and by an attempt made in the convention of 1846 to couple the vote on foreign suffrage with that on negro suffrage, the antagonism of the Germans was aroused.¹ The solid strip showing majorities for it can easily be accounted for when one reflects that those were then and are still the counties chiefly settled by New Englanders.²

Toward the close of the following September, the governor issued a proclamation, calling a special session of the legislature for the 18th of October, the prescribed business being to take action in relation to the admission of the state into the union, and to adopt such other measures as the public good might require.³ The legislators met at Madison, and in a ten days' session provided for the election of sixty-nine delegates to form a new constitutional convention, and made all the necessary regulations concerning their election. The requirements for suffrage were the same as for the preceding convention.⁴

The second convention for the purpose of forming a state constitution assembled December 15, 1847. The usual routine business was transacted during the first few days, and on the 24th of December the committee on general provisions reported the article on suffrage, with the following qualifications for voting:

"Section 1. All free white male persons, of the age of twenty-one years, or upwards, belonging to any of the following classes of persons, shall constitute the qualified electors at any election authorized by this constitution or by any law:

"1st. Citizens of the United States, who at the time of the adoption of this constitution by the people of Wisconsin were actual residents of this state.

"2nd. Citizens of the United States, having become residents of the state of Wisconsin after the adoption of this

¹ *Wisconsin Banner*, Milwaukee, Oct. 17, 1846.

² Thwaites, *Story of Wisconsin*, p. 235.

³ *Madison Weekly Argus*, Sept. 28, 1847.

⁴ *Laws of Wisconsin*, October, 1847, p. 3.

constitution, and who shall have resided within this state for six months.

"3rd. Persons, not citizens of the United States, who at the time of the adoption of this constitution by the people were actual residents of Wisconsin, and had declared their intention to become citizens of the United States, in conformity with the laws of Congress for the naturalization of aliens, and who shall have actually resided within this state for six months.

* * * * * * *

"Section 3. No person under guardianship, or *non compos mentis*, insane, or convicted of treason or felony, shall be permitted to vote at any election, unless restored to civil rights by law, or by removal of natural or other inability."¹

Six days later, the convention, in committee of the whole, took the proposed article under consideration. It elicited much debate, chiefly on two provisions: the granting of the elective franchise to unnaturalized foreigners, and to the negroes. Judge Dunn, of Lafayette, offered as an amendment to the committee's report, this substitute for section one: "In all elections, every white male citizen above the age of twenty-one years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution, shall have the right of voting aforesaid."²

The next day a long debate on the subject engaged the attention of the convention. Dunn's sympathies were with the foreigners, for his father was a native of Ireland.³

The majority, however, opposed it, and perhaps the report of Mr. Rountree's remarks will sum up the views of the majority who voted against the amendment:⁴ "Native citizens

¹ *Jour. Const. Conv.*, 1847-48, pp. 64, 65.

² *Ibid.*, p. 145.

³ *Ibid.*, p. 147. See also, *Fathers of Wisconsin*, p. 204.

Jour. Const. Conv., 1847-48, p. 179.

were required to reside in the country twenty-one years before being allowed to vote. He had not heard any one, not even the most progressive, propose to shorten the term of residence required of the native citizen. No one had moved to reduce the term required of a citizen from twenty-one to eighteen or sixteen years; and yet he believed that a native citizen was as well qualified to vote understandingly after a residence of sixteen or eighteen years as the foreigners could be after a residence of five years."

The discussions on negro suffrage are more interesting, and particularly when considered in connection with the popular vote on the subject the spring before. Mr. Estabrook, of Walworth, first broached the subject by moving to insert a section granting universal suffrage to all in the Territory, and leaving the further regulation of the matter to law.¹ He said, in introducing it: "Among the resolutions passed by the whig convention of that [Walworth] county one year ago last fall, was one instructing their delegates to go for universal suffrage, etc., and he had good reason to believe that one half of the democratic party of that county were in favor of the same principle."² Mr. Estabrook came of Puritan ancestry, and it is said that he "took a position far in advance of his party at that time,"³ particularly, it seems to me, in his later speeches.

A motion to strike out the word "white" was lost (22 to 45),⁴ but Mr. Estabrook, who had voted against striking out "white," offered an amendment adding this proviso: "*Provided, however, That the legislature shall at any time have the power to admit colored persons to the right of suffrage on such terms and under such restrictions as may be determined by law.*"⁵ He said, in explanation of his motion, that "when he first came to this Territory, seven years ago, a corporal's guard could not be found to

¹ *Ibid.*, p. 130.

² *Ibid.*, p. 130.

³ *Fathers of Wisconsin*, p. 212.

⁴ *Jour. Const. Conv.*, 1847-48, p. 145.

⁵ *Ibid.*, p. 180.

favor colored suffrage. Since then the public mind had been progressing. Last spring the county of Walworth gave about four hundred majority in favor of it; Racine gave a majority for it; Rock and Milwaukee gave a large vote for it; and Waukesha gave a majority in favor of it; and what he asked was, that when the public mind had advanced to a point where a majority should be in favor of abolishing this odious distinction, that then that majority should not be bound, hand and foot, by constitutional prohibitions."¹ The amendment was adopted by a vote of 35 to 34,² but the following day it was reconsidered (34 to 35).³ Three projects were submitted for the future admission of colored men to participation in the rights of citizenship;⁴ a fourth, which was finally adopted, omitted the word "colored" and substituted therefor "persons not herein mentioned," as likely to be more acceptable to the people.⁵ The people of the state voted in 1849 to extend the right of suffrage to colored people. The validity of the amendment was contested, and it was not till 1866 — seventeen years later — that the courts sustained its binding force.⁶ Almost any old citizen of Wisconsin can cite instances where colored men, although not legally entitled to vote, voted regularly; and a Milwaukee newspaper, a few months ago, recorded the death of a negro who had been on a jury before the War of Secession. The colored population of Wisconsin has always been so small that the question has simply been one of principle.

The entire article on suffrage, as it stood in the constitution until 1882, passed in the convention by a vote of 52 to 13.⁷ By it all white citizens of the United States, white

¹ *Ibid.*, p. 183.

² *Ibid.*, p. 180.

³ *Ibid.*, p. 185.

⁴ *Ibid.*, p. 201.

⁵ *Ibid.*, p. 201. It may be interesting to note here that in 1886 suffrage was, under this provision, granted to women in school elections. (*Laws of Wis.*, 1885, ch. 211.)

⁶ See Turner, *The Gerrymander in Wisconsin* (2nd ed., p. 8).

⁷ *Jour. Const. Conv.*, 1847-48, p. 210.

persons of foreign birth who had declared their intentions, persons of Indian blood who had once been declared citizens of the United States, any subsequent law of Congress to the contrary notwithstanding, and civilized persons of Indian descent, not members of any tribe, were entitled to vote; and all must have had a residence of one year in the Territory.¹ The following classes were excluded: persons under guardianship, *non compos mentis*, or insane, persons convicted of bribery, larceny, or any infamous crime, and those interested in bets or wagers on the election.² In 1882 the section was amended, and a residence in the election district was thereafter required. The actual time is ten days, but the legislature can not require more than thirty days. A proviso was also added, giving the legislature power to "provide for the registration of electors and prescribe proper rules and regulations therefor," in incorporated cities and villages.

On March 13, 1848, the Territorial legislature adjourned *sine die*, and on the same day the constitution of the new state was ratified by popular vote.³

The state officers made elective by the constitution, and by subsequent acts of the legislature, at the present time are: governor, lieutenant-governor, secretary of state, state treasurer, attorney-general, state superintendent of schools,⁴ railroad commissioner,⁵ insurance commissioner, state senators, and members of the assembly.⁷ In the county, the people elect their clerk,⁸ treasurer,⁹ sheriff,¹⁰ coroner,¹¹ clerk of the circuit court,¹² register of

¹ *Constitution of Wisconsin*, art. iii., sec. 1.

² *Ibid.*, sec. 6.

³ Strong, p. 582.

⁴ *Constitution of Wisconsin*, art. v., sec. 1.

⁵ *Laws of Wisconsin*, 1874, ch. 273, sec. 8; *Id.*, 1881, ch. 300.

⁶ *Id.*, 1878, ch. 214; *Id.*, 1881, ch. 300.

⁷ *Constitution of Wisconsin*, art. iv., sec. 4.

⁸ *Ibid.*, sec. 5.

⁹ Sanborn & Berryman, *Annotated Statutes*, sec. 698, p. 430.

¹⁰ *Ibid.*, same reference.

¹¹ *Constitution of Wisconsin*, art. vi., sec. 4.

¹² *Ibid.*, same reference.

deeds,¹ district attorney,² surveyor,³ superintendent of schools,⁴ and members of the board of supervisors.⁵ In the towns, are elected members of the town board of supervisors, the clerk, treasurer, assessor, four constables, four justices of the peace (two annually),⁶ and the overseers of highways, which last need not be elected by ballot.⁷ In the cities, are elected the mayor, aldermen, and city treasurer, while each ward elects its justices of the peace, and sends its supervisor to the county board. All the judges in the state are elected. The five justices of the supreme court are elected for ten years, the seventeen circuit judges for six years, and the several county judges hold office for four years. The constitution provides that "There shall be no election for a judge or judges at any general election for state or county officers, nor within thirty days either before or after such elections."⁸

Amendments to the constitution may be made in two ways: by the legislature and by county conventions,⁹ but only the first method has ever been used.

"The process of amending the constitution by the legislature is as follows:

"1. An amendment may be proposed in either house.

"2. The vote must be taken by yeas and nays.

"3. The proposed amendment must be agreed to by a majority of all the members elected to each house.

"4. It must be published for three months before the next general election.

"5. It must be agreed to by a majority of all the members of each house in the next legislature.

"6. It must be submitted to the people.

¹ *Ibid.*, art. vi., sec. 4.

² *Ibid.*, art. vii., sec. 12.

³ Sanborn & Berryman, sec. 698, p. 430.

⁴ *Constitution of Wisconsin*, art. x., sec. 1.

⁵ Sanborn & Berryman, sec. 662, p. 412.

⁶ *Ibid.*, sec. 808, pp. 480, 481.

⁷ *Ibid.*, sec. 797, p. 478.

⁸ *Constitution of Wisconsin*, art. vii., sec. 9.

⁹ *Ibid.*, art. xii., secs. 1, 2.

"7. It must have a majority of all votes cast on that subject." ¹

The constitution has been amended in this way thirteen times,² and several times the legislature has proposed amendments which the people have failed to ratify.³

The first law looking towards the adoption of the Australian ballot system was passed in 1887. This applied only to Milwaukee, and enacted that each voting precinct was to be provided with two adjoining rooms -- a ticket room and an inspector's room. In the ticket room were to be tables or compartments, on or in which were to be placed the tickets prepared by the different parties. At each table or compartment was to be a custodian of tickets, appointed by the ward committee issuing the ticket there displayed. These custodians were under oath not to attempt to influence the electors. The manner of voting prescribed was as follows: a voter entered the ticket room, and selected a ticket or tickets (for he could take one of each sort if he wished). He then passed into the voting room, cast his ballot, and passed out through another door. No crowd could collect within one hundred feet, and no one could solicit votes or offer tickets within the same limit.⁴

This law, while good, missed two essential points of the present system, i. e., complete and compulsory secrecy in voting, and a single ballot containing all the names printed and distributed by the government.

In April, 1889, what was known as the "Cooper law" was passed without a dissenting voice in either branch of

¹ Wright, *Exposition of the Constitution of Wisconsin*, p. 150.

² The articles and sections amended are as follows: Art. iv., sec. 21, Nov. 5, 1867; art. v., secs. 5 and 9, Nov. 2, 1869; art. i., sec. 8, Nov. 8, 1870; art. iv., secs. 31 and 32, Nov. 7, 1871; art. xi., sec. 3, Nov. 3, 1874; art. vii., sec. 4, Nov. 6, 1877; art. viii., sec. 2, Nov. 6, 1877; art. iii., sec. 1, Nov. 7, 1882; art. iv., secs. 4, 5, 11, and 21, Nov. 8, 1881; art. vi., sec. 4, Nov. 7, 1882; art. xiii., sec. 1, Nov. 7, 1882; art. vii., sec. 4, April 2, 1889; and art. iv., sec. 31, April 8, 1892.

³ See *Wisconsin Blue Books*, 1870-75, 1877.

⁴ *Laws of Wisconsin*, 1887, ch. 850.

the legislature. Its provisions, however, did not apply to Milwaukee or to elections for town and village officers. It was entitled, "An act to prevent espionage at public elections, to secure more fully the independence of voters, to enforce the secrecy of the ballot, and to provide for printing and distributing ballots at public expense." Under this act, a nomination might be made in two ways: by a convention or primary meeting, and by the circulation of a nomination paper. The nomination papers of all candidates were to be filed with the county clerk between forty and twenty days before the election,—or with the secretary of state when the offices were to be filled by the electors of the entire state, or a district greater than a county. Between fifteen and twenty days before the election, the secretary of state was to send to the county clerks a list of the candidates for the state at large, and for districts larger than a county. At least seven days before the election, the county clerk was to publish "Information to voters," in at least two and not more than four local papers of different political principles, and also to have large cards printed in English, and such other languages as he deemed necessary, giving instructions to electors in the preparation of their ballots. In cities, all election information was to be furnished to the public by the city clerk. No particular form was prescribed for the ballots, further than that they were to be printed on a certain grade of paper, and could not be more than $13\frac{1}{2}$ inches long nor less than twelve inches wide. Before delivering the blank ballot paper to the voter, the two ballot clerks were each to write their names or initials upon the back. The elector then retired to one of the several compartments, or stalls, in the booth, marked the ballot according to printed instructions before him, folded it so that the face was concealed, and deposited it in the box.¹ This act was amended in a few particulars the same session.²

At the next session of the legislature, an additional act

¹ *Laws of Wisconsin*, 1889, ch. 248.

² *Ibid.*, ch. 494.

was passed. It did not apply to town or village elections, nor to elections in cities having a population of fifty thousand or more,—the intent being, of course, to exclude Milwaukee, the only Wisconsin city having a population as great as this. The form of the ballot was prescribed more definitely in this act. Provision was also made for the appointment of two party agents for each polling place, “to act as challengers for their respective parties and candidates, and to observe the proceedings of election officers.”¹

In 1893 an act was passed, “To consolidate and revise the statutes of the state relating to general elections, to conduct and canvass returns of the same, and to secure the secrecy and purity of the ballot, and for other purposes,” and its provisions apply to all cities, towns and counties in the state. It went into effect July 1, 1893, and does not differ very greatly from the acts already described.³

While the history of the elective franchise in Wisconsin is not a record of great changes, like those to which suffrage has been subjected in the older states, it is nevertheless of interest to note the effect of a new environment on old subjects. The Eastern states settled, one by one, the question of property qualification, of color, etc., in the early years of the century. Wisconsin, born at its meridian, in working out these questions brought to bear on them Eastern prejudices modified by the conditions of Western life.

¹ *Id.*, 1891, ch. 379. The ballot is, by law, reproduced in *fac-simile* in the official election notices in the local newspapers, just preceding a general election.

² *Laws of Wisconsin*, 1893, ch. 238.